

AN 10/809,048  
Page 10

### REMARKS/ARGUMENTS

The above listed claim amendments along with the following remarks are fully responsive to the Office Action set forth above. Claims 1-50 and 53-58 are pending; claims 1-50 are withdrawn. Claims 53-58 have been rejected. Claims 53-57 have been amended.

#### Claim Objections

Claims 54-56 were objected to because a period was present in other than at the end of the claim. The periods objected to were part of the indentation punctuation present in claim 50. Nevertheless, to overcome the objection to claims 54-56, the indentation punctuation has been removed; the scope of each of these claims is not thereby altered.

The objection to claims 54-56 is respectfully requested to be withdrawn.

#### Claim Rejection – 35 USC § 112

Claim 57 was rejected as not having antecedent basis for “the light beams.” Claim 57 has been amended to now recite “the first and second light beams” to correct this lack of antecedent basis; the scope of claim 57 is not thereby altered.

The 112 rejection of claim 57 is respectfully requested to be withdrawn.

#### Claim Rejections – 35 USC § 103

Claims 50, 53-58 were rejected under 35 USC 103(a) as being unpatentable over Bramwell *et al.* in view of Welte.

Bramwell *et al.* (hereinafter “Bramwell”) is understood to refer to US patent 4,444,495; and Welte is understood to refer to US patent 6,301,997.

The Office Action characterizes Bramwell as disclosing a method of positioning a spray gun to be at a desired distance from a target surface. Applicants respectfully, but most earnestly, disagree. Bramwell relates to an alignment apparatus that is located at a predetermined, fixed distance to a target surface, and is not concerned with control of the distance between a spray gun and target surface. The spray nozzle 33 of Bramwell is fixed to header 28 which fixes the distance to the target strand S. Figure 1 clearly illustrates that

AN 10/809,048  
Page 11

header 28 is mounted to withdrawal apparatus 40 in a fixed relationship. What Bramwell does provide is a way of adjusting the aim of the spray nozzle 33 as it sprays from the fixed mounting, so that it will hit the strand S (as illustrated in Figure 4), and not the nearby supporting rolls 42 (as illustrated in Figures 2 or 3).

Most importantly the two beams of Bramwell (15a and 15b) are arranged to diverge apart. In stark contrast, applicants' invention as positively claimed in claim 50 recites that "the first and second beams are angled to approach one another."

The characterization of the beams of Bramwell as being offset to avoid the beams crossing each other regardless of the distance to the target is meaningless with respect to different beams.

Bramwell is understood to use visible light to illuminate respective "observable" red dots 35a and 35b (Bramwell, column 5, line 33).

To recap, Bramwell uses its method and apparatus for alignment to set the angle at which the spray nozzle is directed, but does not even address the problem solved by applicants' invention of assisting a user to control the distance between a spray gun and a target surface to be sprayed.

Turning now to the patent to Welte, applicants agree that Welte relates to a system for positioning which uses visible light beams. However, Welte is not of assistance to one seeking to solve the problem addressed by applicants' invention. Welte, in contrast, has an apparatus that is in abutment with the target surface, negating the need for determining the distance to the target surface. Welte, like Bramwell, assists the user in locating and maintaining the proper angular orientation of the tool with respect to the target surface, without regard for the distance between the tool and target surface.

For the above reasons, the 103 rejection of claims 50 and 53-58 is respectfully requested to be withdrawn.

### Conclusion

All pending and not withdrawn claims are now in condition for allowance. A notice to that effect is respectfully requested.

AN 10/809,048  
Page 12

Respectfully Submitted,

WAYNE ROBENS et al.

By:

  
John M. Haurykiewicz, #29,311  
FAEGRE & BENSON LLP  
2200 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402-3901  
612/766-8216

Dated: November 22, 2005

M2:20745146.01

Serial No.: 10/809,048